

Hot Issues – Portland, Oregon Travel, May 2012

I. Administrator Jackson Meeting with Columbia River Basin Tribes

Columbia River Basin as an EPA Priority Ecosystem

Nonresponsive

Nonresponsive

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II. Portland Harbor Superfund Site, Portland, Oregon

Status:

- The Draft Portland Harbor Feasibility Study was submitted to EPA March 30, 2012 by the Potentially Responsible Parties (PRPs). EPA is currently reviewing the 8,000 page document and holding a series of public information meetings to raise awareness about the document. Estimated costs of the cleanup alternatives range from \$169 million to \$1.7 billion.
- Two drafts of the baseline risk assessments have been submitted (2009 and 2011), but are still deficient (i.e., confusing, lack clarity). The risk assessments conclude that the highest human health risk at the site is from consumption of resident fish, which are contaminated with PCBs, dioxins and furans, PAHs, and pesticides. EPA is currently modifying documents to fix language; calculated risks seem technically accurate.
- The Remedial Investigation (RI) has been formally submitted twice (2009 and 2011), but is still deficient (buried information; lacking in clarity). EPA is currently redlining document to fix language.

Background:

- Portland Harbor Superfund Site was listed in December 2000.
- Listing was for releases to the river and for upland sources of such releases
- Original study area in Willamette River was 6 river miles, later expanded to 11 river miles.
- Ten PRPs performing RI/FS under a 2001 AOC (includes City of Portland and Port of Portland in addition to private parties).
- EPA has identified 148 PRPs to date, which includes several state and federal agencies and departments (e.g., DOI).
- State of Oregon is lead for upland source control identification and cleanup.
- RI/FS being coordinated with state and federal Natural Resource Trustee agencies, 6 Native American Tribes
- The Portland Harbor Citizens Advisory Group plays an active role in making sure the concerns of the community are considered throughout the investigation.

Issues:

- **Schedule**— there has been a lot of criticism of how long this process is taking (over 10 years to finish the RI/FS). EPA's ability to move forward with a Proposed Plan for cleanup in late 2013 is highly dependent on the quality and completeness of the PRP's draft FS.

- **Remediation Funding:** Enforcement vs. Superfund Tax – Congressman Blumenauer has made statements that if the Superfund Tax is reenacted, the Superfund, along with PRP funding and Federal PRP funding, would pay for the cleanup.
- **Cost of RI/FS** – PRPs are claiming they have spent over \$100 million so far; \$8 million has been billed for EPA oversight, but remainder of expenditures is undisclosed.
- **No Federal PRP Contribution** - PRPs and Congressman Blumenauer have complained that the Federal PRPs have not contributed toward cleanup so far.
- **PRP-lead advocacy efforts ramping up** – PRP developed several white papers e papers in the past year: (1) cost-benefit analysis purporting jobs lost by a cleanup, (2) white paper criticizing risk scenarios, food-web model (3) analysis of utility rate increases due to cleanup costs. The Portland Harbor Partnership, a group of PRPs, has been conducting its own outreach activities with communities as well, sometimes providing messages conflicting with EPA's.
- **Possible Early Action by the City at River Mile 11E.** EPA has encouraged the City (a PRP at the site) to demonstrate leadership by stepping forward to take the lead in design of a cleanup for a PCB hotspot at the upstream end of the site. PCBs are one of the risk drivers at the site and sequencing of work is key to a successful cleanup.

Messages:

- Working on complex superfund sites with multiple parties requires a lot of negotiations and coordination with multiple parties and agencies. Unfortunately, this takes a lot of time and has scheduling implications.
- There is a process that EPA is required to follow for selecting remedies and it is important that the RI and FS documents are technically complete and correct and scientifically-based. EPA is diligently working to ensure that the administrative record is complete prior to proposing a preferred remedy.
- EPA has an enforcement first policy that requires current PRPs to pay for cleanup of hazardous wastes released into the environment. The Superfund is maintained for defunct parties that no longer exist.
- EPA helped to convene a PRP-led allocation process for the responsible parties to work out how to fund and perform the cleanup. The Federal government is participating in that process to work out its share of response costs.
- Selecting a protective remedy that is cost effective is a statutory mandate of the Superfund law.
- The data show society does not have to choose between environmental protection and economic vitality. Environmental health and welfare supports a strong economy.
- In addition to job creation resulting from redevelopment of cleaned up properties, Superfund cleanup activities themselves can boost local employment. One way this boost occurs is through the Superfund Job Training Initiative or SuperJTI, a job readiness program.

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